1950-51 **File No.** 2698/48

B CLASS

P.W **DEPARTMENT**

E **BRANCH** (II)

Subject:— Retrenchment
Govt. Servants
concession to — in conn. with —

(37)

I. L.A.S. 1951

File No. 2698/48 — E.B.(II)

Ed. Sectt. Slip. 24 A

G.R., G.D., No. 2408, dated 22-6-22.]

Correspondence

DOCKET SHEET

Subject :—

File No. 2698/48

P.W DEPT.

E BRANCH(II)

References :— Original file is sent to Maharashtra

Date.	To whom sent.	Notes and instructions.

2698/48/46594

E.B.(II). P. W. D.

Submitted.

2. Shri S. D. Nimkar, who has put in more than 6 years service as temporary clerk, in his representation on p. C/s. states that on the closure of the E.C. he was transferred as Offg. H. C. in the Kolhapure Dnl. Office. As he is due to supperannuate on 20.11.50. he requests Govt. that his service may be tretenched now and that he may be granted compensation in the shape of grauity, leave etc., (vide G.R., F.D.No.7983/33, dated the 11th May 1950).

3. The S.E.,S.C., who strongly supports Shri Nimkar's request mentioned above, states that the services of Shri Nimkar who was working as tempy. S.A.C. in the office of the S.E.,E.C., were found surplus on the closure of that Circle and was due to be retrenched. However Shri Nimkar has been appoint as Offg. H.C. in the office of the Ex.Engr., Kolhapur Dn., pending the reversion of Shri B.S.Patil, who has been selected as H.C. in the office of the Ex. Engr., Kolhapur Dn., and who is at present on deputation as Dnl. Accountant.

The S.E. further states that on the reversion of Shri Patil, one of the two posts of temporary Sr.Accounts Clerks in the Kolhapur Dnl. office will be found surplus an Shri Nimkar's request is granted now his services will be retrenched only before the actual reversion of Shri Patil.

4. In this connection it may be stated that it is not clear why on the reversion of Shri B.S.Patil, the S.E. proposes to retrench the services of Shri Nimkar, instead of posting him elsewhere as Sr. Accts. clerk by reverting the Jr. most S.A.C. in other Dnl. Office.

S.E. may be asked to elucidate this first.

5. In the circumstances it is for orders whether Shri Nimkar's request may be acceded to in u.o. consultation with the F.D. or the S.E. may be asked

to.....

2698/48/46594.

to post him elsewhere.

Id/-

12.6.50.

Margine on the pre-page.

Id/-

12.6.50.

E.B.(II).

Resubmitted with a draft for approval. (pp.13/14 c/s.)

Id/-

15.6.50;

Id/-

15.6.50.

ckk.

2698/48/53604

E.B. (II).

P.W.Deptt.

Submitted with refce. to the G.L.No. 2698/48-E(II), dt. the 15th June 1950.

2. The S.E., S.C., reports that Shri S.D.Nimkar Sr.Accts. Clerk, was transferred to the Kolhapur Division as Head Clerk because hex was conversant with the state of affairs in the Kolhapur Dn. and that Divisional office has got very few experienced hands having knowledge of P.W.D. rules and regulation. It would, therefore, he in the interest of work that he should ~~be-in-the-i~~ continue.

3. But as Shri Nimkar, who is due to superannuate on 22.11.50, has applied for one month's earned leave from 1.7.50 on the ground of ill health, the S.E. states that no useful purpose will be served by posting him elsewhere if the illness is prolonged.

4. In the circumstances it is for orders whether Shri Nimkar's request that his services may be retrenched now and that he may be granted compensation in the shape of leave grauity etc., may be acceded to or not.

Id/-
6-7-50-

As at 'A' above.

Id/-

6.7.50.

Ch.Engr. Id/-
6.7.

E.B.(II).

Resubmitted with a draft for approval which may issued after u.o.r. to the F.D.

Id/-
10.7.50.

Id/-
10.7.50.

u.o.to F.D. dt. 11.7.50.

Finance Department (R-2).

The request on these papers is rather curious. Shri Nimkar offers himself for discharge. P.W.D. states that in the circumstances reported by the S.E., S.C., the request may be granted.

2. It will be seen that on 22.11.1950 Shri Nimkar who is a temporary Govt. servant is due to superannuate It is because he is ill and has asked for earned leave and would get terminal benefits if discharged now, that the request for his discharge is being supported. It may be mentioned that terminal benefits are intended for those who are discharged from Govt. service by way of retrenchement during 1.3.50 and 31.12.50 and not for cases of the present nature where a discharge is volunteered. It may be noted that even if Shri Nimkar had superannuated 4 months hence, he would not be eligible for the terminal concessions even though the period of his leaving Govt. service falls during the crucial period from 1.3.50 to 31.12.50. It is clear that merely because he becomes eligible for retrenchment concessions, Shri N. cannot be discharged. F.D- may advise against such a practice and inform P.W.D. that the proposal should not be accepted.

Id/- Id/-
21.7.50. 2.7.

Resubmitted after discussion with U.P. (R),

He desired to know:

(i) the benefits accruing to Shri N as a result of the operational of the retrenchment concessions if he were to be discharged; and
(ii) the cost to Govt if Shri Nimkar continues in govt. employ till superannuation.

Since Shri N's pay is not know, it is not possible to work out the above required figures in F.D. P.W.D. may therefore kindly be requested to obtain the same and furnish the same to this Deptt.

Id/-26.7.50. —Id/-26.7.5

u.o.r to P.W.D. dt.27.7.50.

Finance Department (R- 2).

Submitted with reference to office note dated 27.7.1950.

2. The letter from the S.E. on p.23 corr. section would almost seem to settle the issue. It may be seen that Shri Nimkar stands to gain considerably by the premature discharge proposed to be granted to him. As against an expenditure of Rs.500 if Shri N. remains in service till superannuation, the cost of gratuity and leave salary would come to Rs.910. (however, it may be stated that) quite apart from the monetary conditions it is not the intention underlying grant of terminal concession that Govt. servants should be discharged prematurely merely to enable them enjoy thos benefits. Mainly as a matter of principle and also in view of the extra cost, F.D. should advise against a discharge being granted to Shri Nimkar.

Id/-
6.9.50.

Id/-
7.9.50.

u.o.r. to P.W.D. dated 9.9.50.

2698/48/88794.

E.B.(II). P.W.Deptt.

Please see the S.E., C.C's letter under disposal.

2. Shri S.K. Thakur joined Govt. service on 10.1.46 and though he superannuated on 4.3.48, he was further continued in Govt. service. Finally his services were terminated on 30.6.1950 as a measure of retrenchment . The S.E., C.C., solicits Govt. orders whether Shri Thakur is entitled to the terminal benefits prescribed in G.R., F.D., No.7983/33, dt. the 11.5.50.

2. In this connection it may be stated that Govt. has already made it clear (G.R. of 5th May) that persons over 55 years of age should be discharged first. The F.D. may be requested to advise ~~further~~ whether persons falling under this category (exemption) are also eleigible for the prescribed terminal benefits.

Id/-
6.11.50.

Id/-
6.11.

u.o. to F.D. dt. 11.11.50.

Finance Department.

The question raised on these papers is as regards the admissibility of terminal concessions to Shri S. K. Thakur who was discharged on 30.6.1950, as a measure of retrenchment. It has been mentioned that Shri T was taken up in Govt. service as a tracer on 10.1.46 and that he was continued in service after the date of superannuation on 4.3.48.

For an examinationation of whether Shri T. is entitled to terminal concessions, clarification on the following points is necessary:-

(1) Whether the age limit in case of Shri T. was relaxed; (He was taken in service only recently i.e. on 10.1.46).

(2) Whether after the date of superannuation he was re-employed; or

(3) Whether he was granted an extension of service.

Shri T. will not be entitled to terminal benefits if (i) age limit has not been relaxed in his favour and if (ii) he has been re-employed after his superannuation. In case Shri T. has been given an extension - after relaxing the age limit in his favour - the discharge itself will not be in order as extention of service is given with the previous sanction of Govt - vide BCSR(61). Besides cases in which extension has been granted are not required to be reviewed. The P.W.D. may, therefore, be requested to ascertain the correct position and advise the S.E. accordingly.

2. Incidentally, it may be stated that the statement in the P.W.D. note (portion A) overleaf is not strictly correct. In G.R., F.D.No.7983/33 dated 5.5.50, it has been directed that re-employed pensioners - irrespective of their length of service - should be first selected for

Id/-

Id/-
17.11.50.

P.W.D. may clarify that points raised in para 1 of the office made in the first instance.

Id/-

20.11.50.

u.o.r. to P.W.D. dt. 20.11.50.
21

E.B.(II). P.W.D.

These papers may be referred u.o. to the S.E.C.C with a request to elucidate the points raised by the F.D. in its foregoing note.

Id/-.

24.11.50.

Id/-
24.11.

Dy. Secy
u.o. toS.E.C.C. 25.11.50.

Below Unofficial Reference dated 25th November 1950 from the Secretary to Government, Public Works Department, Bombay, regarding Retrenchment - Grant of Terminal leave and gratuity to retrenched Government servants (Shri S. K. Thakur, tracer).

.....

Returned with compliments with the following remakrs:-

(i) Age limit in the case of Shri S.K. Thakur was not relaxed.

(ii) Shri Shri Thakur was simply continued in service beyond the date of his superannuation viz. 4th March 1948 A.N.

(iii) He was not granted extension of service from 5th March 1948 B.N.

There was no regular order of reemployment but the continuance was virtually reemployment.

Sd/-

Superintending Engineer,
Central Circle.

D.A.- 1 U.O.R. File.
1 Case in 15 sheets.

U.O.R.No.G.42 -12583 of 1950.
Public Works Department,
Poona, 1, 19 December 1950.

To

The Secretary to Government,
Public Works Department, Bombay.

Through
The Chief Engineer to Governme nt,
Public Works Department,
E(II) Bombay,
20.12. with compliments.

CKK.

2698/48/101861
104229.

E.B.(II)Q. P. W. D.

Information regarding cases refd. to in para 2 of G.R., F.D., No.7983/33, dt. the 23.11.50, may be awaited from all local officers.

2. In the meantime the S.E., C.C., having clarified the points raised by the F.D. in their not of 17.11.50, the pss. may shown to that Deptt. for advice.

Id/-
27.12.50.

Id/-
28.12.50.

Id/-
29.12.50.

Dy.Secy
u.o. to F.D. 2.1.51.

EB (I) 2
through Cashier.

Id/-
29.12.

2698/48/4891. Finance Deptt.

R 2.

Submitted with ref. to office note dt. 17.11.50.

2. It is not clear how the S.E. states that Shri T- continuance amounts to virtual '433mployment'. It will be reemployment only if Shri T. is drawing pay plus pension. P.W.D. may kindly ascertain the correctin position.

Id/- Id/-

12.1.51. 13.1.51.

u.o.r. to P.W.D. dated 15.1.1951.

S.E.(II) P.W.D.

Submitted with refce. to the u.o.r dated the 2:1.51 and with G.R., F.D., No.7983/33, dt. the 22nd Decr., 1950, for information.

2. The S.E.,C.C., may be requested u.o. to elucidate.

Id/-
20.1.51. Through Cashier.

Id/-

20.1.51.

Id/- D.S.
20.1.51.

u.o.to S.E.C.C.23.1.51.

Below Government U.O.R. dated 23rd January 1951. regarding retrenchement.

.....

Returned with compliments.

2. Shri Thakur was not a pensioner and was not drawing pension and pay. He was not granted any extension of service on the temporary establishment. He was also not re-employed, being not a pensioner after the date of his superannuation. Being mentally and physically fit, he was contined in service.

Sd/-.

Superintending Engineer,

Central Circle,

U.O.R.No.G.42/1307 of 1951.

Poona, 1, 9 February 1951.

To

The ~~Chief~~ Chief Engineer to Government,

Public Works Department,

Bombay.

3698/48 -

E.B.(II). P.W.Deptt.

Submitted.

2. According to the orders issued in G.R., F.D., No.7983/33, dated the 11th May 1950 all temporary Govt. servants who are in receipt of salary less than Rs.1,000 per mensem and who are retrenched between the period from 1st March 1950 to 31st December 1950, are eligible for interim concessions like grant of earned leave standing to the credit on the eve of discharge, grant of gratuity to the extent of 2/3rd of a month's pay for each completed year of service, if the pay does not exceed Rs.180 per mensem and half a month's pay for each year of approved service subject to minimum of Rs.120 if the pay exceeds Rs.180 p.m., etc.,

3. Orders regarding retrenchment in all Circle Offices have either been issued or are about to be issued. In case of Circle office wherein final orders regarding retrenchment have not been issued, discharge notices have already been served on persons likely to be retrenched, as the tentative lists of posts proposed to be retrenched, has already been forwarded to them by the F.D. However in case of the Public Health Circle, though file No.2499/48(7)/73268 containing detailed notes regarding the proposed retrenchment has already been refd. to the F.D. for concurrance on the 30.9.50. Nothing in the matter is yet heard of similarly in the case of the office of the Architect to Govt. final decision regarding ret. has yet to be arrived at. The cases of the Electric Grid Deptt. and that of the office of the Dir . D.D. chawls are under consideration. Though owing to the heavy pressure ~~xxf~~ of work in the Elecl. Engr's office it was proposed to exempt that office from implementing retrenchment, it has been informally understood ,.....

understood that, the F.D. does not agree with the view taken by this Deptt. and intends to carry out some retrenchment.

4.. All this means that considerable time is likely to elapse before final decision in the matter is arrived at, and the issue of relevant orders regarding retrenchment may take more time which will in some cases be even a month or two from now. This raises the vital point as to what benefits should be given to the persons who will be discharged between now and 31st March 1951. The best course seems to be to extend the period prescribed in F.D., G.R. This Deptt. may therefore suggest that the persons retrenched between 1st Jan. 1951 to 31st March 1951 may also be granted the various benefits under theF.D., G.R., No.7983/33, dated the 11th May 1950. The F.D. may see these papers U.O..

Id/-
9.12.50.

Id/-
9.12.

Finance Department. R.

With ref. letter suggestion contained in para.4 of it foregoing note the P.W.D may be informed that the question extending the date upto which the terminal concessions are admissible beyond 31.12.1950 in separately under consideration in this Deptt.

Id/-
28.12.

Id/-
29.12.50.

U.S.(R)

U.o.r. to P.W.D. dated 30.12.1950.

2698/48/13.

F.B.(II). P. W. D.

Shri S. K. Thakur, tracer, joined Govt. service in the C.C. on the 10.1.49 and though the superannuated on the 4.3.48, he was further continued in Govt. service. His services were finally terminated on the 30.6.50 as a measure of retrenchment The F.D. was requested to advise whether Shri Thakur was eligible for terminal benefits prescribed in G.R., F.D. No.7983/33, dated the 11.5.50.

2. The F.D. wanted information on the following points:-

(i) whether the age limit in case of Shri Thakur was relaxed,

(ii) whether after the date of superannuation he was re-employed or whether he was granted an extension.

From the information furnished by the S.E., C.C., it is seen that

(i) Shri Tahkur was not a pensioner and was not drawing any pension.

(ii) Age limit in his (Shri T.'s) case was not relaxed.

(iii) He was also not granted any extension of service on the tempy. estabt. and was not re-employed, but being mentally and physically fit, was continued in service. . .

3. The F.D. may see these papers and be requested to state whether Shri Thakur is eligible for terminal benefits prescribed in the G. R.,F.D., No. 7983/33, dated the 11.5.50.

4. So far only the S.E., G.I.C., has furnished the information called for in G.R., F.D., No.7983/33, dated the 23.11.50. The remaining local officers may, therefore, be expedited as per draft put up for approval in the first instance. After issue thereof the papers may be refd. u.o. as proposed above.

Id/- Id/-
19.2.51. 19.2.51.
Dy.Secy.
Issue. G.o.r. to the F.D., dt. 28th Feb.1951.

Finance Department.

Submitted with reference to O.N. dated 13.1.1951.

2- From what is stated by the S.E.,C.C., it appears that the case of Shri T. is neither on of reemployment nor extension.Shri T. seems to have been taken, and continued in Govt. service without reference to his age, and as such his case is analogous to that of average persons taken in Govt. service as a stop gap arrangement. In the case of latter kind we have held the view that they should be given retrenchment concessions. It therefore appears, that in this case too, we may extend the benefits of retrenchment concessions to Shri T. The point is however, for orders.

A.

Id/-
8.3.51

Has been finally settled?

Id/-
9.3.

Resubmitted with ref. to U.S.'s marginal query dated 9.3.1951.

2. The question referred to at 'A' above has been finally settl-ed and decision has been taken as stated.

What will be the cost approximately?

Id/-
12.3.

Id/-
13.3.51.

Submitted with reference to U.S(S)'s query.

2. From these papers, it is not possible to calculate the cost on account of retrenchment concessions, if sanctioned to Shri Takore. The P.W.D. may, therefore, be requested work out the cost and to show the papers to this deptt.

Id/-
15.3.51.

Id/-
16.3;

U.o.r. to P.W.D dated 16.3.51.

2693/40/99171.

P&W.Deptt.

E.B.(II).

According to the orders issued in G.R., F.D., No.7983/33. dated the 11th May 1950, all temporary Govt. servants who are in receipt of salary less than Rs.1,000 per mensem and who are retrenched between the period from 1st March 1950 to 31st December 1950, are eligible for interim concessions, amongst other, like grant of earned leave standing to the credit on the eve of discharge, grant, of gratuity to the extent of 2/3rd of a month's pay for a each completed year of service, if they pay does not exceed Rs.180 per mensem, and half a month's pay for each year of approved service subject to minimum of Rs.120 if the pay exceeds Rs.180 p.m.

2. With refce. to item (a) of para 2 of the S.E's letter under disposal it may be stated that, the services rendered on temporary or work charged estabts. it is presumed, is to be reckoned for the purpose of counting completed years of service.

The presumption, (item b) may be confirmed. It seems that the gratuity will have to be paid even though the stipend is not recovered, because the person concerned is forced to leave the job for no fault of his. It does seem inquitible to make an invidious distinction in case of those who have studies at Govt. expense and deprive them of their dues.

The State Transport Corporation is a semi Govt. body and there is no reason why the gratuity should not be paid to the discharged porcon absorbed by that body.

3.....

3. Before reply to the S.E.,S.C.

the F.D. may see these papers.U.O..

Id/-

12.12.50.

Id/-
12.12. 50.

Dy.Secy. U.O.R. to F.D.
dt. 13.12.50.

Finance Department.
(R.2)

F.D. may take the following view in regard to the points raised in the above P.W.D.Note.

Regarding (a): It seems for purposes of gratuity continuous service rendered on temporary establishments except work charged prior to absorption will have to reckoned. Work-charged service has been excluded as ordinarily such service is not allowed to count for purposes of increment. ~~If, however, the Merged State Govt.'s~~ Orders as to the basis on which previous temporary service should count have already been issued, In this connection, attention of the P.W.D. may be invited to F.D.Memo. No.7983/33-R.2, dated 25.5.1950, para. (iii) thereof (copy attabhed).

Regarding (B): We may accept the P.W.D. view that grauity may be paid and Govt. should not insist on recovery of the stipends already paid to them.

Regarding (c): In regard to this point, however, it would appear that although the State Transport is an autonomous body both the Central and the State Govts. have large interests in its and service conditions are not very materially different. No gratuity need therefore be paid to persons absorbed in State Transport Corporation (provided they peron staisfy in conditions in G.R., F.D., No.7983/33, dated 23.11.50).

2. Subject to approval the P.W.D. may be informed accordingly.

Id/-

10.1.51.

U.S.(R).

Id/-
10.1.51.

Id/-

17.1.

U.o.r. to P.W.D dated 44. 3. 1951.

E.B.(II)

16/3.

35

No.7983/33-R.2/32049. Finance Department,
Bombay Castle, 25th May 1950.

MEMORANDUM:

The undersigned present compliments to the Distric Judge, Broach, and with reference to his letter No.863, dated 18th May1950, is directed to state as under:-

(i) Temporary employees of the merged states should be treated on the same footing as other temporary Government servants and should be selected for discharge in the order of juniority.

(ii) The question whether, in the case of temporary employees of the merged states, the date of absorption or the date of entry into service, is primarily one of the fixation of their seniority. The seniority of the employees from the merged states is, however to be determined in accordance with Rule 6 in the "Rules for the fixation of pay and seniority of State servants" prescribed in Government Resolution, Political and Services Department, No.2735/46-II, dated 20th May 1949. The seniority so fixed will have, therefore, to be taken as the basis for the discharge of the temporary employees of the merged states. (A copy of the relevant Rule is enclose for ready reference).

(iii) The date from which service in the State is continuous (i.e., without a break)should be considered as the date for counting the length of service for the purpose of the grant of gratuity to discharged temporary employees of the merged states, in accordance with the orders in Government Resolution, Finance Department, No.7983/33. dated 11th May 1950.

By order of the Governor of Bombay,
Sd/- M.D.Rangnekar,
Under Secretary to the Government of B.
Finance Department.

Accompaniment:- A copy of the Rules referred to.

17
38

2698/48/23482
25212/25637
29927

E.B.(II). P. W. Deptt.

Please see the office Note of the 12.12.50 and the F.D.'s note of the 10.1.51.

2. In view of the advise given, the draft put up for approval may issue.

3. As advised by the F.D., information pertaining to the cost on account of retrenchment concessions, (if sanctioned) to Shri Thakur may be called for from the S.E.,C.C., as per separate draft put up for approval.

4. The S.Es. G.I.C., B.C., S.C.K.I.C. and the Architect to Govt. have so far furnished the information called for in G.R,, F.D., No.7983/33, dated the 23.11.50. The remaining local officers may be expedited as per draft put up for approval.

5. In view of the para 2 of the S.E.,S.C.'s letter No. G.R.31/Misc., dt. the 3rd March 1951, the F.D. may be addressed as per separate draft put up for approval.

6. The drafts put up for approval may issued.

Id/-
5.4.51.

Id/-
5.4.51.

Dy.Secy.

ckk.

[illegible] K. (J) H. 11—4,00,000-10-54.
[illegible] H. L. G. D. No. 252082. [illegible]
Scott, Hlip. 36 of

SEPARATOR

For further orders pl.see G.C.M.,F.D., No.7983/33, dt. the 25th Septr.,'50)2698/48/81037). and G.R.,F.D., No. 7983/33,dt.the 5.1.51.(2698/48/8249) and G.C.,F.D., No. 7983/33, dt. the 29.3.51(RTR 1451/ 41297) and G.R.,F.D., No.7983/33,dt.the 18.4.51. (RTR 1451 44008

and G.C.M.,F.D., No.7983/33,dated the 30.6.51(RTR 1451/65414) and G.C. F.D. No. 7983/33, dt. the 11.3.52(RTR1452/ 28126).

leave and gratuity a. Government servants.

GOVERNMENT OF BOMBAY

Finance Department.

Resolution No.7983/33.

Bombay Castle, 11th May 1950.

RESOLUTION OF GOVERNMENT.

In order to mitigate the hardship that may be caused to the temporary Government servants who will be discharged as a result of retrenchment, the Government of Bombay is pleased to sanction the following concessions:-

Section I--Classes of Government servants to whom these orders are applicable.

2. These orders are applicable to all temporary Government servants under the rule-making control of the Government of Bombay discharged from service during the period from 1st March 1950 to 31st December 1950, except--

(a) officers whose pay exceeds Rs.1,000 per mensem.

(b) daily-rated and work-charged employees,

(c) apprentices, partitime Government servants, and persons in the non-continuous employment of Government.

(d) re-employed pensioners,

(e) Government servants on contract, and

(f) persons who resign Government service or who are discharged for any fault of theirs.

Note:- Persons referred to in paragraph 2(1) of Government Resolution, No.7983/33, dated 5th May 1950 are not included in clause (f) above.

Sectional II - Terminal Leave.

3. A temporary Government servant discharged during the period mentioned above will be granted all earned leave standing to his credit on the

even of discharge. There will be no restriction on his taking up private employment during the period of leave. Re-employment by a local fund, as defined in B.C.S.R. 9 (33), will also be permitted, but a Government servant re-employed by such a fund while on leave will have the option of drawing his re-employment pay or leave salary, whichever is higher, but not both.

4. The orders in the preceding paragraph are not applicable to cases in which the services of the temporary Government servants were lent by commercial concerns or semi-Government organisations on terms which included the payment of leave salary contributions. The grant of leave on termination of the employment under Government will, in such cases, be at the cost and within the discretion of the parent employers.

5. The rate of leave salary in respect of leave under these orders will be governed by paragraph 11 of Government Resolution No.6567/33, dated 28th April 1949.

Section III - Gratuity.

6. A temporary Government servant discharged during the period mentioned above will be granted gratuity at the rate of--

(a) two-thirds of a month's pay for each completed year of approved service, if his pay does not exceed, Rs.180 per mensem, and

(b) half a month's pay for each completed year approved service, subject to a minimum of Rs.120, if his pay exceeds Rs.180 per mensem.

All periods of duty and authorised leave, other than extraordinary leave, shall count as service....

monthly pay (as defined ... ...) ...ervices Rule 9 (39)) earned during the 12 complete months immediately preceding the month in which the Government servant is discharged.

7. In the case of clerks of the Civil Supllies Department serving in Bombay City who are eligible for the bonus sanctioned in Government Resolution, Finance Department (Supply), No.563, dated 19th May 1945, the amount of gratuity will be reduced by the amount of the bonus.

8. No gratuity will be granted in respect of any period during which Contributory Provident Fund payments have been made to the Government servants on the employer's behalf. If any portion of service in respect of which the gratuity ~~xx~~ is granted is subsequently counted for pension on re-employment, the Government servant shall refund to Government a proportionate part of the gratuity calculated on the ~~xx~~ basis of the ratio which the period of service in respect of which he has received the benefit regarding pension bears to the total qualifying service.

9. Persons referred to in paragraph 4 above are not eligible for gratuity.

By order of the Governor of Bombay,

K.P.MATHRANI,
Officer on Special Duty (Retrenchment.

To

The Accountant General, Bombay,
*The Registrar, High Court, Appellate Side, Bombay,
*The Prothonotary and Senior Master, High Court, Bombay,
The Private Secretary to the Governor,
The Comptroller, Governor's Household,
The Secretary to the Hourable the Chief Minister,
The Director of Publicity,
The Enquiry Officer, Secretariat,
All Heads of offices under the serveral Deprtments of the Secretariat,
All Departments of the Secretarait,
The Deputy Accountant General, Baroda,
The Examiner, Local Fund Accounts,
*The High Commissioner of India, London.

Copy forwarded for information and guidance to

*By letter No. of 1950

Kolhapur,
20th May, 1950.

To

The Superintending Engineer,
Southern Circle, Belgaum.

Sir,

In accordance with the orders issuedin G.R., F.D., No.7983/33, dated 5th May, 1950, 5 per cent redeuction in Establishment is to be effected and services of Temporary Government servants only are to be retrenched in the order of juniority. Government have also announced vide communique dated 18-5-1950 published in the Daily "SAKAL" of 20.5.1950 terminal benefits to be granted to the retrenched persons as given below:-

1) Leave admissible and at the credit of Government servant.

2) Gratuity equal to 2/3 or 1/2 of pay upto Rs.180/- and above respectively for the completed years of service.

3) Permission to take up private service during the leave period.

2. I have put in 6 years and nearly 2 months service as a Temporary Clerk in the Superintending Engineer's Office and my date of superannuation falls on 20.11.1950. Being senior in service, I have been transferred to the Office of the Executive Engineer, Kolhapur, Division after closure of the S.E.,S.C's Office and if my services are retrenched now under the above G.R., I shall be entitled to get the concession of terminal benefits mentioned above. On the contrary, if I contine to serve till the date of my superannuation i.e. 20.11.1950, I shall be deprived of the benefits which are now sanctioned by Government for the temporary employees under them presumably for the first time.

3.....

3. In this connection, I beg to add that I had put in all years' continuous service from November, 1919 to October, 1930 as a temporary Clerk in the Deccan Irrigation Circle and my services were then ~~x~~ retrenched on the score of abolition of some Divisions in the Public Works Department without any compensation in the shape of Gratuity, leave, etc. as are now sanctioned by Government for the retrenched personnel. I do not seek any thing by way of benefits for this past service, but I have mentioned it only to point out that the concessions now referred by Government are unique in the history of the Temporary Government servants and hence my craving to discharge me from Government service now under the G.R. of 5.5.1950. This will entitle me to get what Government have offered to the temporary employees at the fag end of my temporary service.

4. MI, therefore, most respectfully request kindly to see your way to discharge me from Government service, as a special case, if necessary, as I have to put in only 6 months service at the most and grant me the benefits of Gratuity, leave, etc. at my credit details of which are given below, for which act of kindness I shall ever reamin grateful to your honour-

i) Earned leave.	75 days.	Approximately.
ii) Leave on half average pay admissible under G.R., F.D., No.6667/33, dated 38.4.1949.	90 days.	

Yours obediently,

Sd/- S. D. Nimkar, S.A.C.

Respectfully submitted through the Executive Engineer.....

Engineer, Kolhapur Division, Kolhapur.

.....

No.3869. Kolhapur, 23rd May, 1950

Passed on, with compliments, to the Superintending Engineer, Southern Circle, Belgaum for favourable consideration. As Shri Nimkar has volunteered himself for being discharged provided he is given the benefits immediately. In case his request is granted, an experienced senior clerk to cope up with duties of Head Clerk may please be posted.

Sd/- A. S. Adke,

Executive Engineer, Kolhapur Dn.

Below Executive Engineer, Kolhapur Division Endorsement No.3869, dated 23.5.1950, forwarding Clerk, requesting grant of concessions under Government Resolution, Finance Department, No. 7983/33, dated 11.5. 1950.

...

No. G-43. Public Works Department,
Belgaum: 7th June, 1950.

Forwarded with compliments, to the Secretary to Government, Public Works Department, Bombay No.1, for favourable consideration.

2. Government have sanctioned the concessions viz. (1) terminal leave and (2) Gratuity, in Government Resolution, Finance Department, No.7983/33, dated 11.5.1950 for the temporary Government servants who have been and who will be retrenched during the period from 1.3.1950 to 31.12.1950.

3. After abolition of the Office of the Superintending Engineer, Eastern Circle on 15.5.1950, Shri Nimkar who was working in that Office as Senior Accounts Clerk became surplus and was to be retrenched, but he was transferred to the Office of the Executive Engineer, Kolhapur Division to work temporarily as Head Clerk in that Office, pending the reversion of one Shri B.S.Patil, who is now on deputation as Divisional Accountant and was selected to Officate as Head Clerk in that Office vide Government, Public Works Department, Letter No.1129/48-E(II), dated 17.12.1949. When Shri Patil reverts, one of the two temporary Senior Accounts Clerks in the Office of the Executive Engineer, Kolhapur Division, will be surplus and Shri Nimkar is duet o be retrenched.. But since Shri Nimkar has volunteered himself for discharge, it would only mean an accl

would only mean an action for retrenchment before the reversion of Shri B.S.Patil as Head Clerk in that Office.

4. I would, therefore, strongly support Shri Nimkar's request for being retrenched and to grant him the concessions under the Government Resolution referred to above, and request that Government may, in your concurrence, kindly be moved to accord sanction to the premature discharge of Shri Nimkar from 1.7.1950 and to grant him the concessions referred to.

5. Early orders of Government are solicited.

Sd/-
Superintending Engineer, S.C.

Through: the Chief Engineer to Government, Public Works Department, Bombay No. 1, with compliments.

Retrenchment:

Grant of terminal leave retrenched Government servants.

GOVERNMENT OF BOMBAY.

Finance Department.

Circular Memorandum No.7983/33.

Bombay Castle, 25th September 1950.

CIRCULAR MEMORANDUM.

In accordance with the orders in paragraph 3 of Government Resolution, Finance Department, No.7983/33, dated 11th May 1950, a retrenched Government servant on terminal leave is entitled to take up employment under a local fund, as defined in Bombay Civil Services Rule 9(33), provided that the draws either his re-employment pay or leave salary, but not both. In order to safeguard against overpayment, Government is pleased to direct that Heads of Offices preferring pay-bills should invariably furnish on the bills a certificate to the effect that the retrenched Government servant for whom the leave salary is drawn in accordance with Government Resolution, Finance Department, No.7983/33, dated 11th May 1950, was not employed under Government or a local fund, as defined in Bombay Civil Services Rule 9(33) for the period for which the claim is drawn in the bills. This certificate may be modified suitably in other case according to requirements of the particular cases.

By order of the Governorof Bombay

K.P.MATHRANI,
officer on Special Duty
(Retrenchment).

P.T.O.

To

The Accountant General, Bombay,
The Deputy Accountant General, Baroda,
The Examiner, Local Fund Accounts, Bombay,
The Secretary to the Governor,
The Comptroller, Governor's Household,
The Secretary to the Honourable the Chief Minister,
*The Prothonotary and Senior Master, High Court, Original Side,
*The Registrar, High Court, Appellate Side,
The Secretary, Bombay Public Service Commission,
All Heads of Offices, under the Several Departments of the Secretariat,
All Departments of the Secretariat,
The Director of Publicity.

*By letter.

No. of 1950.

Copy forward for information to

Letter.

No. G.42/10848 fo 1 950.
Public Works Department,
Poona, 1, 26 October 1950.

To

The Chief Engineer to Government,
Public Works Department, Bombay.

Subject : Retrenchment.
Cent of Terminal leave and gratuity to retrenched Government servants.

Reference : G.R., Finance Department No.7983/33 of 11.5.1950.

Shri S.K. Thakur entered the Government service on 10.1.1946 as a Tracer on the Tamporary Establishment in this Department. He was due to retire on superannuation on 4.3.1948 A.N. his date of birth being 5.3.1893. He was however continued in service after that date. His services were however terminate on 30.6.1950 A.N. as a measure onxkx retrenchment.

2, Kindly communicate whether the concessions regarding Terminal leave and gratuity sanctioned in above referred G.R. can be extended to Shri S.K.Thakur

Sd/-
Superintending Engineer,
Central Circle, Poona, 1.

For further orders pl.see G.L.F.D., No.7983/33, dt. the 27.4.51. (RTR 1451/46607)

Retrenchment: Grant of gratuity to retrenched Government servants.

For further ... fication pl.see G.R. F.D. No.7983/33, of the 10th July 1951 RTR 1481/64056

GOVERNMENT OF BOMBAY.

Finance Department.

Resolution No. 7983/33.

Bombay Castle, 23rd November 1950.

RESOLUTION OF GOVERNMENT.

In partial modification of the orders issued in Government Resolution, No.7983/33, dated 11th May 1950, Government is pleased to direct that a discharged Government servant who is eligible for gratuity under those orders and who is re-employed in Government service within three months of the date of discharge should be required to refund the amount of gratuity in monthly instalments of not less than one-fifty of his pay (as defined in Bombay Civil Service Rule 9(39)(1)), if the gratuity has already been paid to him; if not, the gratuity should be withheld. Similarly, if the discharged Government servant refuses to accept employment offered to him by Government in pursuance of Government's policy of re-absorbing retrenched Government servants, he should not be paid gratuity, or, if the gratuity has already been paid, he should be called upon to refund the same provided (i) the post offered to him is on a scale of pay not lower than that of the post held prior to discharge In cases in which the proviso is not fulfilled, the amount of gratuity should not be recovered from the discharged Government servant.

2. Heads of Departments are requested to report ....

report to Government in the Administrative Department concerned the cases of persons, if any, who have refused employment offered to them and who fail to refund the amount of gratuity within a reasonable period.

By order of the Governor of Bombay,

K. P. MATHRANI,
Officer on Special Duty (Retrenchment).

To

The Accountant General, Bombay,
The Deputy Accountant General, Baroda,
The Examiner, Local Fund Accounts, Bombay,
The Secretary to the Governor,
The Comptroller, Governor's Household,
The Secretary to the Honourable the Chief Minister,
*The Prothonotary and Senior Master, High Court,
Original Side,
*The Registrar, High Court, Appellate Side,
The Secretary Bombay Public Service Commission,
All Heads of Departments, and Heads of Offices under the severak Departments of the Secretariat.
All Departments of the Secretariat.
The Director of Publicity,
The Enquiry Officer, Secretariat,
The High Commissioner for India, London.

*By Letter.

No. of 1950.

Copy forwarded for information and guidance to

For further or...
F.D., No.7983/33, dt...
(RTR 1451/44005)

Retrenchment:

Grant of terminal leave to Government servants paid from contingencies.

GOVERNMENT OF BOMBAY.

Finance Department.

Resolution No. 7983/33.

Bombay Castle, 22nd December 1950.

RESOLUTION OF GOVERNMENT.

In order to mitigate the hardship that may be caused to Government servants paid from contingencies who will be discharged as a result of retrenchment during the period from 1st March 1950 to 31st December 1950 the Government of Bombay is pleased to sanction the following concessions.

2. (i) A Government servant discharged during the period mentioned above will be granted all leave standing to his credit on the eve of his discharge;

(ii) There will be no restriction on his taking up private employment during the period of leave;

(iii) Re-employment by a Local Fund, as defined in Bombay Civil Services Rule 9 (33) will also be permitted, but a Government servant re-employed by such a fund while on leave will have the option of drawing ~~x~~ his re-employment pay or leave salary, whichever is higher but not both.

3. The rate of leave salary in respect of leave under these orders will be governed by paragraph 11 of Government Resolution No.6567/33, dated 28th April 1949.

4. Part-time Government servants paid from contingencies and persons who resign Government... ...

20

Government service or who are discharged for any fault of theirs excepting those who are discharged on account of consistently unsatisfactory work, are not eligible for these concessions.

By order of the Governor of Bombay,

K. P. MATHRANI,

Officer onf Special Duty (Retrenchmet)

G.R.F.D., No. 7983/33, dated the 22nd December 1950.

To

The Accountant General, Bombay,
*The Registrar, High Court, Appellate Side, Bombay,
*The Prothonotary and Senior Master, High Court, Bombay,
The Private Secretary to the Governor,
The Comptroller, Governor's Household,
The Secretary to the Honourable the Chief Minister,
The Director of Publicity,
The Enquiry Officer, Secretariat,
All Heads of Offices under the several Departments of the Secretariat,
All Departments of the Secretariat,
The Deputy Accountant General, Baroda,
The Examiner, Local Fund Accounts,
*The High Commissioner of India, London.

*By letter.

No. offm 1950.

Copy forwareded and guidance to

Retrenchment:
Grant of terminal leave and gratuity to retrenched Government servants.

GOVERNMENT OF BOMBAY.

Finance Department.

Resolution No. 7983/33.

Bombay Castle, 5th January 1951.

RESOLUTION OF GOVERNMENT.

Government is pleased to direct that the orders issued in Government Resolution, Finance Department, No.7983/33, dated 11th May 1950, which are applicable to persons discharged from service during the period from 1st March 1950 to 31st December 1950 should also apply to persons discharged during the period from 1st January 1951 to 31st March 1951.

By order of the Governor of Bombay,

M. D. RANGANEKAR,

Under Secretary to Government.

To

The Accountant General, Bombay,
The Deputy Accountant General, Baroda,
The Examiner, Local Fund Accounts, Bombay,
The Secretary to the Governor,
The Comptroller, Governor's Household,
The Secretary to the Honourable the Chief Minister,
*The Prothonotary and Senior Master, High Court, Original Side,
*The Registrar, High Court, Appellate Side,
The Secretary, Bombay Public Service Commission,
All Heads of Departments and Heads if Offices under the several Departments of the Secretariat.
All Departments of the Secretariat,
The Director of Publicity,
The Enquiry Officer, Secretariat,
*The High Commissioner for India, London.

By letter.

No. of 1951.

Copy forwarded for information and guidance to

No. G-55/1. Letter Public Works Department,
Belguam:
2nd December 1950.

From

The Superintending Engineer,
Southern Circle, Belgaum.

To

The Secretary to Government,
Public Works Department, Bombay, No1.

Subject:- Retrenchment:
Grant of terminal leave and gratuity.

Reference: Government Resolution, Finance Department, No.7983/33 of 11.5.1950.

2. Orders are solicited on the following three points:-

(a) Whether the service rendered in any State prior to the date of absorption should be taken into account for computing the completed years of service;

(b) It is presumed, the stipend paid to a Sub-overseef is not to be recovered from a Sub-overseer who is retrenched. It may pleased be stated if gratuity is to bepaid to them even though the stipend is not recovered;

(c) Whether gratuity should be paid to those who are absorbed by the State Transport Corporation.

Sd/-
D.A.Nil. Id/- Superintending Engineer,S. C.

Through: The Cheif Engineer, Public Works Department, Bombay, with compliments.

LETTER.

From

The Superintending Engineer,
Southern Circle, BELGAUM.

To

The Secretary to Government,
Finance Department, B O M B A Y.

No. C-55. Public Works Department,
BELGAUM:15th November 1950.

Subject: Retrenchment.

Grant of terminal leave and gratuity to retrenched Government servants.-

Reference:- Government Resolution (F.D.) No.7933/33 dated the 11th May 1950.

2. In para 6 of the Government Resolution referred to above it is stated that a temporary Government Servant discharged during the period mentioned above will be granted gratuity at the rate mentioned therein.

3. I may be kindly informed whether regular gratuity papers are to be submitted to Government in respect of the persons discharged due to retrenchment as in other cases and as to who is to sanction the gratuity. If any special procedure is to be followed in such cases the same may kindly be indicated.

D..A.- Nil.

Sd/- V.B.Manerikar,
Superintending Engineer, S.C.

THROUGH: The Chief Engineer to Government,
Public Works Department, Bombay,
with compliments.

and

The Secretary to Government,
Public Works Department, Bombay,
with compliments.

Letter.

2698/48/2348
25637
29827

No.2690/48-E(II).

P. W. D.,
B. C. (Bombay No. 1),
6th April 1951.

To

The S.E., S.C.

Subjedt:- Retrenchment:
Grant of terminal leave and gratuity.

....

Reference:-Your letter No.G.55/1,dated the 2nd Decr., 1950.

2. Refce. para. 2. item (i) of your letter:- For purposes of gratuity continuous service rendered on temporary establishments, except work-charged estabt. must be reckoned. The date from which service (on the temporary estabt.) in the State is continuous (i.e., without a break) should be considered as the date for counting the length of service for the purpose of the grant of gratuity to discharged temporary employees of the merged States, in accordance with the orders in G.R., F.D., No.7983/33, dt. the 11th May 1950.

3. Refce.para.2.item(ii) of your letter:- Stipend paid should not be recovered from a sub-Overseer who is retrenched. Gratuity should be paid to such sub-overseers

4. Refce. para.2. item (iii) of your letter:- The State Transport is an autonomous body. Both the Central and State Govts. have large interests in it and service conditions are not very materially different. No gratuity need therefore be paid to persons absorbed in that State Transport Corporation (provided they satisfy the condition in G.R., F.D., No.7983/33, dt. the 23.11.50.)

By order of the Govr. of Bombay,

Asstt.Secy.to the Govt. of Bombay,
P.W.D.

D.A.NIL.

Copy forwarded to the F.D., for information.

Copies....

Copies with a copy of the letter under reply, forwarded to -

the C.E., P.W.D.,
the C.E., Bombay Elec.Grids,
the other S.Es. of Circles,
the P.H.E. to Govt.,
the El.Engr. to Govt.,
the Architect to Govt.,
the Ex.Engrs. of Dns.,

for information.

Id/-
5.4.51.

51

Letter.

2698/48
25637/29927

No.2698/48-E(II)

P.W.D.
B.C. (Bombay No.1),
6th April 1951.

To

The S.E.C.C.,

Subject: Retrenchment .
Grant of terminal leave,
gratuity to retrenched
Government servants.

Refce:- Correspondence resting with your u.o.r. No. G.42/1307, dated the 9th Feb. 1951.

2. Before deciding the issue, Govt. should like to know the amount admissible to Shri S.K. Thakur, Tracer, by way of compensation in the shape of gratuity, leave salary etc. The requisite information should please be furnished at an early deate.

D.A.- Nil.

By order etc.,

Id/-
5.4.57.

. S. A. S.

2698/48

Letter.

No.2698/48-E(II).

P.W.D.
B.C.(Bombay No.1),
6th April, 1951.

To

The C.E., B.E.G.,
The S.E.,C.C.,
The S.E.,D.I.C.,
The S.E., N.G.C.,
The S.E., S.G.C.,
The P.H.E., to Govt.,
The Elecl. Engr. to Govt.,

Subject:- Grant of grauity to retrenched Govt. servants.

Refce:- Correspce. resting with G.L.No.2698/48-E (II), dt. the 22.2.51.

2. Information called for in G.R., F.D., No. 7983/33, dt. the 23.11.1950, should please be furnished at an early date.

Id/-

By order etc.,

D.A.-Nil.

5.4.57.

S. A. S.

Issued.
10.4.54.

Letter.

No.2698/48-E(II). Public Works Department,
Bombay Castle (Bombay No.1),
6th April 1951.

To

The Superintending Engineer, Southern Circle.

Subject:- Retrenchment:
Grant of terminal leave
and gratuity.

....

Reference: Your letter No.G.55/1, dated the 2nd December 1950.

2. Reference paragraph 2. item (i) of your letter:-

For purposes of gratuity continuous service rendered on temporary establishments, except work-charged establishment, must be reckoned. The date from which service (on the temporary establishment) in the State is continuous (i.e., without a break) should be considered as the date for counting the length of service for the purpose of the grant of gratuity to discharged temporary employees of the merged States, in Department, No.7983/33, dated the 11th Mar 1950.

3. Reference paragraph 2. item (ii) of your letter:-

Stipend paid should not be recovered from a Sub-Overseer who is retrenched. Gratuity should be paid to such Sub-Overseers.

4. Reference paragraph 2. item (iii) of your letter:-

The State Transport is an autonomous body. Both the Central and State Governments have large interests in it and service conditions are not very ~~much~~ materially different. No gratuity need therefore be paid to persons absorbed in the State Transport Corporation (provided they satisfy the condition in Government Resolution, Finance Department, No.7983/33, dated the 23rd November 1950).

By order of the Governor of Bombay,

Id/-

9.4.51. .../ ...

By order of the Governor of Bombay,

Id/-

9.4.51.

(D.N. DARUWALA),

Assistant Secretary to the Government
of Bombay, Public Works
Department.

D.A.- Nil

Copy forward to the Finance Department for information.

Copy, with a copy of the letter under reply, forwarded to-

the Chief Engineer, Public Works Department,
the Chief Engineer, Bombay Electric Grid,
the other Superintending Engineers of Circles,
the Public Health Engineer to Government,
the Electrical Engineer to Government,
the Architect to Government,
the Executive Engineers of Divisions.

for information.

Copy of letter No.G-55/1, dated the 2nd December 1950, from the Superintending Engineer, Southern Circle, Belgaum, addressed to the Secretary to Government, Public Works Department, Bombay No.1, regarding Retrenchment :- Grant of terminal leave and gratuity.

"Reference: Government Resolution, Finance Department No.7983/35 of 11.5.195

2. Orders are solicited on the following three points:-

(a) Whether the service rendered in any State prior to the date of absorption should be taken into account for computing the completed years of service;

(b) It is presumed the stipend paid to a Sub-overseer is not to be recovered from a Sub-overseer who is retrenched. It may please be stated if gratuity is to be paid to them even though the stipend is not recovered;

(c) Whether gratuity should be paid to those who are absorbed by the State Transport Corporation."